

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THOMAS M. BRAWAND,

Petitioner,

vs.

M. S. EVANS, Warden,

Respondent.

No. C 08-1571 CRB (PR)

ORDER OF TRANSFER

Petitioner seeks federal habeas review of a conviction from the Superior Court of the State of California in and for the County of Tuolumne, which lies within the venue of the Eastern District of California. See 28 U.S.C. § 84(b). Petitioner is incarcerated at Salinas Valley State Prison in Soledad, County of Monterey, which lies within the venue of the Northern District of California. See id. § 84(a).

Venue is proper in a habeas action in either the district of confinement or the district of conviction, see id. § 2241(d); however, petitions challenging a conviction preferably are heard in the district of conviction. See Habeas L.R. 2254-3(a); Dannenberg v. Ingle, 831 F. Supp. 767, 767 (N.D. Cal. 1993).

Because the County of Tuolumne lies in the Eastern District of California, the court ORDERS that pursuant to 28 U.S.C. § 1404(a) and Habeas Local Rule 2254-3(b), and in the interest of justice, this petition be TRANSFERRED to the United States District Court for the Eastern District of California.

The clerk shall transfer this matter and terminate all pending motions as moot.

SO ORDERED.

DATED: 03/25/08



CHARLES R. BREYER
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

THOMAS M BRAWAND,
Plaintiff,

Case Number: CV08-01571 CRB

CERTIFICATE OF SERVICE

v.

M S EVANS et al,


Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 25, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Thomas M. Brawand F-08662
Salinas Valley State Prison
A3-216
P.O. Box 1050
Soledad, CA 93960-1050

Dated: March 25, 2008


Richard W. Wieking, Clerk
By: R.B. Espinosa, Deputy Clerk